

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WARNER BROS. ENTERTAINMENT, INC., and : 07 Civ 9667 (RPP)  
J.K. ROWLING, :  
: Plaintiffs,  
- against - :  
: RDR BOOKS and DOES 1-10, :  
: Defendants. :  
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DECLARATION OF DAVID HARRIS SUBMITTED  
IN OPPOSITION TO PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

I, David Harris, declare and state as follows:

1. I am a first year law student at New York University School of Law.

Except for the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I could and would testify accurately and competently to them.

2. I began working for David S. Hammer as a part-time legal intern in January 2008. Mr. Hammer assigned me to help him in the defense of the present case, Warner Bros. Entertainment, Inc. and J. K. Rowling v. RDR Books. Mr. Hammer asked me to determine if there already were companion books to the Harry Potter series on the market and, if so, to determine if those books were similar to The Lexicon. Mr. Hammer has told me that he gave me this assignment, in part, because I have read all seven Harry Potter novels.

3. I have read the accompanying declaration of Shawn Malhotra, submitted in opposition to plaintiffs' motion, which states that nearly 200 companion books to the Potter series have been published. Of these, I have been able to locate and review about 15. Of these 15, the following six books had especially striking similarities to the Lexicon in both format and content:

Other Harry Potter Guides and Lexicons

4. *The Unofficial Harry Potter Encyclopedia: Harry Potter A-Z*, by Kristina Benson, published in 2007, is presented as a lexicon. It includes entries on many aspects of the *Harry Potter* series, presented alphabetically, in a format identical to the Lexicon's. A number of these entries use wordings that are extremely similar to entries in the Lexicon. Sections of this book are included as Exhibit 1 to this declaration..

5. *Field Guide to Harry Potter*, by Colin Duriez, published in 2007, includes an 80-page A-Z lexicon with long entries on characters, creatures, objects and places from the *Harry Potter* series, followed by appendices of highly detailed plot summaries of each of the seven novels, presented as both a narrative and as a timeline. The 80 pages of encyclopedia entries resemble the Lexicon in both basic format and content, and are included as Exhibit 2 to this declaration.

6. *The J.K. Rowling Encyclopedia*, by Connie Ann Kirk, published in 2006, is presented as an A-Z lexicon. It includes approximately 200 entries and over 300 pages on topics from the *Harry Potter* series and on J.K. Rowling herself. Many entries include some form of plot summary, especially six entries dedicated to the first six novels of the series. Certain entries also include quotations from the books, as well as photos from the Harry Potter films. This book is virtually identical to the Lexicon in format and content,

with the exceptions that Kirk's book includes entries on Rowling herself, but does not include entries on the seventh novel. Sections of this encyclopedia are included as Exhibit 3 to this declaration.

7. *A Muggle's Guide to Exploring the Wizarding World*, by Fionna Boyle, published in 2004, is presented in several parts, and each part is an A-Z lexicon of one aspect of the *Harry Potter* series (characters, places, spells, etc.). Each listing includes many plot descriptions from the first five books of the series. The format and content of this book greatly resemble the Lexicon, except that Boyle's has provided several different lexicons, arranged by category (e.g. "character", "places", and "spells"), rather than as a single, unified lexicon. A section of this book is included as Exhibit 4 to this declaration.

8. *Fact, Fiction, and Folklore in Harry Potter's World*, by George Beahm, published in 2005, is divided into four sections. Each section presents information from the *Harry Potter* series in a lexicon format---a lexicon of magical creatures, followed by lexicons of wizards, of objects, and of places. Many entries begin by quoting J.K. Rowling, and explain how the subject fits into the series as a whole. The format of Beahm's book is very similar to The Lexicon's, except that Beahm has presented four separate, rather than a single unified lexicon. A section of this book is included as Exhibit 5 to this declaration.

9. *The End of Harry Potter?*, by David Langford, published in 2006, includes descriptions of various characters, locations, and objects mentioned in the series, and also provides plot summaries at various points. A section of this book is included as Exhibit 6 to this declaration.

10. I have composed a chart which shows graphically the similarities between

these companion books and the Lexicon. I have included this chart as Exhibit 7 to this declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York  
February 5, 2008

A handwritten signature in black ink, appearing to read "David Harris". The signature is fluid and cursive, with a long horizontal line extending to the right.

David Harris